EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010: ARTICLE 35

NOTICE OF REFUSAL OF APPLICATION FOR A CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

Application number: U/11/69733

Eastleigh Borough Council ("the Council") hereby refuses an application dated 26 September 2011 made by Mr Alan Naylor of EzeParking Ltd for a certificate of lawfulness of use or development for an existing use for the storage of vehicles at land at Wide Lane, Eastleigh ("the Land") shown edged red on the plan attached to this Notice for the following reason(s):

The Council has not been provided with information satisfying them of the lawfulness at the time of the application of the use since:

1. From the information available the description of the use of the Land in the application namely storage of vehicles does not appear to be consistent with the actual use at the time of the application. In the opinion of the Council at the time of the application the Land was in use as a car park and not for the storage of vehicles.

2. It would appear from the information available that the use of the Land as a car park began in May 2010.

3. The use of the Land as a car park is Sui Generis and does not fall within Use Class B8: Storage or Distribution.

4. The change of use of the Land to use as a car park is a material change of use and requires planning permission.

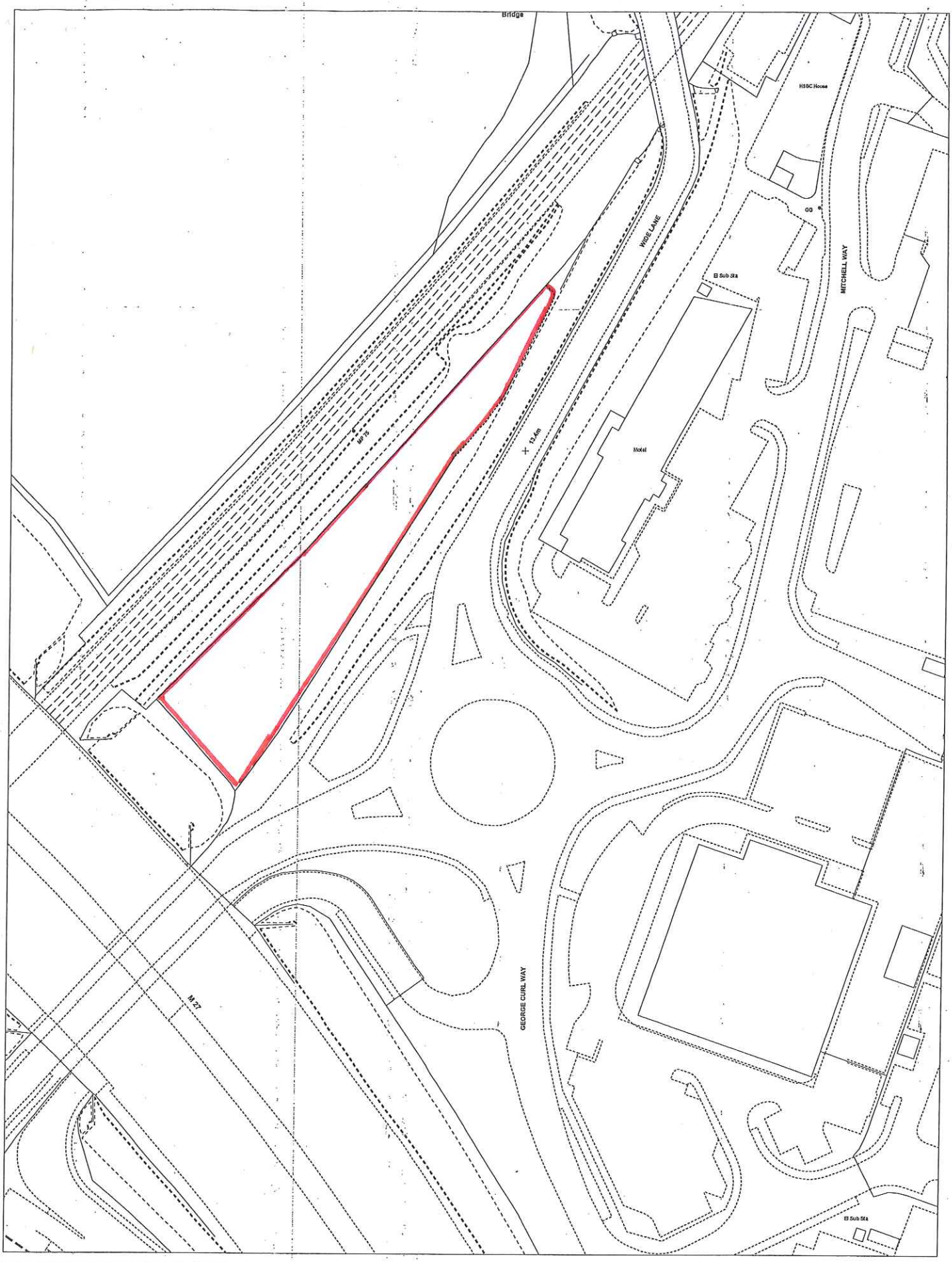
5. The use of the Land as a car park is not immune from enforcement action as the material change of use has occurred within the last ten years

Signed :.....(Council's Authorised Officer)
Allan Richard Ward
Head of Legal and Democratic Services
On behalf of Eastleigh Borough Council

Date: 28 November 2011

Note:

If you are aggrieved by the above decision you may appeal to the Secretary of State under section 195: Appeals against refusal or failure to give decision on application of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).



EASTLEIGH BOROUGH COUNCIL

Development Control

Scale 1:1250

Map Ref SU4416NE

Date 13/10/2011

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